

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

International Markets Live, Inc. d/b/a  
iMarketsLive,

Plaintiff

v.

Scott Huss,

Defendant

Case No.: 2:20-cv-00866-JAD-BNW

**Order Granting Unopposed Motion to  
Dismiss and Denying Motion for  
Preliminary Injunction as Moot**

[ECF Nos. 9, 15]

International Markets Live, Inc. d/b/a iMarketsLive contends that it operates a subscription-based multi-level marketing platform that offers technology, education, and research about foreign currency and cryptocurrency trading to its subscribers.<sup>1</sup> IML alleges that it engages independent contractors who sell subscriptions to its products and services.<sup>2</sup> IML sues one of its former contractors, Scott Huss, alleging that Huss breached the independent-contractor agreement between them, misappropriated IML's trade secrets, defamed IML, tortuously interfered with IML's contracts with other independent contractors and subscribers, and tortuously interfered with IML's prospective relationships with contractors and subscribers.<sup>3</sup>

When IML filed motions for injunctive relief, this court denied it emergency relief and ordered IML to "file proof that it served Huss with a copy of the Motion for Preliminary Injunction [ECF No. 9] by June 19, 2020."<sup>4</sup> IML has not filed that proof.

<sup>1</sup> ECF No. 1 at ¶ 5 (complaint).

<sup>2</sup> *Id.* at ¶ 7.

<sup>3</sup> *Id.* at ¶¶ 22–56.

<sup>4</sup> ECF No. 14 at 3.

1 But something did happen in this case on June 19, 2020: Huss filed a motion to dismiss  
2 for lack of personal jurisdiction.<sup>5</sup> Any opposition to that motion was due two days ago, but IML  
3 has filed nothing in this case in more than a month. Local Rule 7-2(d) provides that “[t]he  
4 failure of an opposing party to file points and authorities in response to any motion, except a  
5 motion under Fed. R. Civ. P. 56 or a motion for attorney’s fees, constitutes a consent to the  
6 granting of the motion.” I apply this rule, deem IML’s failure to respond to Huss’s motion as  
7 consent to granting it, and grant the motion to dismiss for want of personal jurisdiction.

8 IT IS THEREFORE ORDERED that Huss’s Motion to Dismiss [ECF No. 15] is  
9 **GRANTED; this action is DISMISSED for lack of personal jurisdiction.**

10 IT IS FURTHER ORDERED that Plaintiff’s Motion for Preliminary Injunction [ECF  
11 **No. 9] is DENIED** as moot.

12 The Clerk of Court is directed to **CLOSE THIS CASE.**

13   
14 U.S. District Judge Jennifer A. Dorsey  
15 Dated: July 8, 2020  
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23 <sup>5</sup> ECF No. 15. The motion also contains an “alternative” motion to transfer venue. Because I  
grant the motion to dismiss, I need not and do not reach the motion to transfer venue.